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09/781,360	02/12/2001	Frank Dumont	PA000005	1724

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EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2621

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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/781,360

Applicant(s)

DUMONT ET AL.

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 7-11, 15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-14, 16 and 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed August 21, 2007 have been fully considered but they are not persuasive. On page 2-3 applicant argues that Kita et al in view of Kim et al fails to disclose, teach, or fairly suggest the following limitation, "a second circuit at least connectable to the first output, for digitizing the first baseband analog video signal for processing and outputting a corresponding digital stream on a second output" as recited in Claim 1. It is noted Figure 1 of Kim et al shows a circuit for digitizing the video signal as shown through the digital recording signal processing part 6 and further described in Column 4 Lines 20+. Additionally applicant argues that the prior art of record fails to disclose, suggest, or teach the following limitation: "the second output is at least connectable to a third circuit generating on a third output a second baseband analog video signal on the basis of the digital stream" as recited in Claim 1.

Additionally, it is noted that an analog output can be outputted from the system as seen in Figure 1 analog signal output port 12. The system allows for the output of both digital and analog signal from a the video signal being processed. Therefore, the cited prior art shows a system providing A/D and D/A conversions through a system wherein the circuitry is connected and thereby meets the claimed limitation. Furthermore, it is noted by the examiner that the claim limitation of "at least connectable" provides the examiner the ability to reject the claim limitations on the cited prior art as the claim limitations state that any type of connection between the circuits would provide reading over the

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claims. Although, applicants points are understood the examiner can not agree and therefore the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 12-14, 16, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable by Kita et al (US 5,504,632) in view of Kim et al (EP 0 671 855 A2).

In regard to Claim 1, Kita et al discloses a video apparatus comprising: a circuit generating a first baseband analog video signal on a first output (Figure 9 shows a first and second circuit that is connectable to a third circuit that provides analog signal on the basis of a digital stream); however fails to disclose a second circuit at least connectable to the first output, for digitizing the first base band analog video signal and for processing and outputting a corresponding digital stream on a second output and third circuit characterized in that the second output is at least connectable to a third circuit generating on a third output a second base band analog video signal on the basis of the digital stream. Kim et al teaches a system for video recording wherein through various connectable circuits the analog signal is processed and digitized prior to output.

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As seen in Figure 1 the system contains various circuits for the above process. The signal is inputted via the reception selection port 1 and processed through element 2, 5, and 9. The signal is further send to be digitalized in the digital signal port 11 prior to processing and as described in Column 4 Lines 42+. Furthermore, as described in Column 5 Lines 1-45 the circuitry allows for the proper processing of the base signal and allows the video signal to be outputted and thereby allowing a proper processed video signal through the system to allow for higher quality recording signals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the video apparatus with analog circuitry, as disclosed by Kita et al, and further incorporate a system that provides various circuits for each stage of the processing of the signal, as taught by Kim et al.

In regard to Claim 2, Kita et al discloses a video apparatus according to claim 1, wherein the first circuit is an analog recording and reproducing unit (Column 4 Lines 25-40 describes the recording system).

In regard to Claim 3, Kita et al discloses a video apparatus according to claim 2, wherein the second circuit and the third circuit are part of a digital recording and reproducing unit and wherein a path switch allows to connect selectively the second circuit to the analog recording and reproducing unit or to an analog source (Column 8 Lines 45+ describes the digital recording wherein the switch allows connection to the system).

In regard to Claims 4 and 5, Kita et al discloses a wherein a digital switch allows direct connection between the second circuit and the third circuit and video decoder and wherein the third circuit is a video encoder (Figure 3 shows the digital switch between the various circuits).

In regard to Claim 6, Kita et al discloses a video apparatus according to claim 4, wherein the second circuit is a video decoder in series with a MPEG encoder and wherein the third circuit is a MPEG decoder in series with a video encoder (Column 2 Lines 20-25 describes the encoder and third circuit decoder for the various encoding of the system).

In regard to Claims 12 and 13, Kita et al discloses a video apparatus according to claim 1, wherein a multiplexer is interposed between the second circuit and the third circuit to allow direct connection between the second circuit and the third circuit and wherein the multiplexer is connected to a digital source and to a medium interface and allows to connect independently the third circuit and the medium interface to the second circuit and the digital source (Column 8 Lines 45+ and Figure 9 shows the various circuits used for multiplexing the digital source).

In regard to Claims 14, 15, and 19, Kita et al discloses a video apparatus according to claim 13, wherein the multiplexer comprises: a first switch with an input connected to

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the second circuit, an input connected to the digital source and an output connected to the medium interface and a second switch with an input connected to the second circuit, an input connected to the digital source, an input connected to the medium interface and an output connected to the third circuit (Figure 3 and Column 6 Lines 5-25 describes the switching between the various circuits).

In regard to Claims 16, 17, and 18, Kita et al disclose a process for the reproduction in a video apparatus according to claim 3 of a video signal recorded on a tape according to an analog standard, including the step of processing the video signal through the digital unit (Column 4 Lines 20+ describes the video signal recorded onto an analog tape).

3. Claims 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita et al (US 5,504,632) in view of Kim et al (EP 0 671 855 A2) in view of Browne (WO 92/22983).

In regard to Claims 20, 21, and 28, Kita et al discloses a micro-processor of a video apparatus according to claim 1, however, fails to disclose the following:

- instructing an on-screen display processor to display a menu;
- waiting for an information from the user;
- storing said information in a memory;
- transmitting said information to the second circuit or to the third circuit as a parameter for signal processing.

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Browne discloses a system wherein the user is notified the use of memory through Figure 3 and furthermore provides, stores, and transmits the data associated with the memory allocation as described in Pages 20-21. The ability to show the user the amount of memory available in the system allows for the user to properly select recordings. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Kita et al in view of Kim et al, to disclose a micro-processor and further incorporate a system that allows for the user to select and store memory allocation menus, as disclosed by Browne et al.

In regard to Claims 22 and 29, Kita et al discloses a video cassette recorder with: an analog recording and reproducing unit having an output for a first baseband analog video signal; a digital recording and reproducing unit having an input for a second baseband analog video signal and digital processing means generating on an output of said digital unit a third baseband analog video signal; characterized by a path switch allowing connection of the output of the analog unit to the input of the digital unit (Column 8 Lines 45+ and Figure 9 shows the various circuits used for multiplexing the digital source).

In regard to Claims 23, 24, 25, 26 and 27, Kita et al discloses a process for controlling a video cassette recorder according to claim 22; however, fails to disclose the step of: instructing the digital processing means to generate a still picture. Browne et al discloses a system wherein still pictures are generated to show program information as

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seen in Figure 10. The use of still pictures provides a graphical representation to the user of the program and provides an quick reference to the program material.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Kita et al in view of Kim et al to disclose a micro-processor and further incorporate a system that provides still pictures for representing data, as disclosed by Browne et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

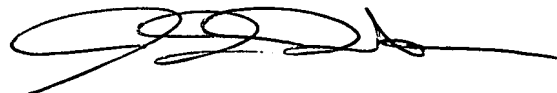
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384.

The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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